

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENGAGE LEARNING, INC., BEDFORD,
FREEMAN & WORTH PUBLISHING GROUP,
LLC d/b/a MACMILLAN LEARNING, ELSEVIER
INC., MCGRAW HILL LLC, and PEARSON
EDUCATION, INC.,

Plaintiffs,

v.

DOE 1 d/b/a ALLEBOOKSVITAL.COM, DOE 2
d/b/a ANLIFESTYLES.COM, DOE 3 d/b/a
BLOGSHIRTS68.CLUB, DOE 4 d/b/a
BOOKDESKSHOP.COM, DOE 5 d/b/a
BOSSIVA.COM, DOE 6 d/b/a
DUPLANACA.COM, DOE 7 d/b/a
DURANBOOKS.COM, DOE 8 d/b/a
EBESTREADER.COM, DOE 9 d/b/a
EBOOK.ENGASTORE.COM, DOE 10 d/b/a
EBOOKCLOUDS.COM, DOE 11 d/b/a
EBOOKLISTTOP.COM, DOE 12 d/b/a
EBOOKSMARTLY.COM, DOE 13 d/b/a
EBOOKSNOW.ORG, DOE 14 d/b/a
EBOOKSPACES.COM, DOE 15 d/b/a
EBOOKSPOT.SHOP, DOE 16 d/b/a
EBOOKSROCKET.COM, DOE 17 d/b/a
ECOEBOOK.COM, DOE 18 d/b/a
EDUPLIFY.COM, DOE 19 d/b/a
EPERFECTEDU.COM, DOE 20 d/b/a
ESTORESELECT.COM, DOE 21 d/b/a
EVOMALLS.COM, DOE 22 d/b/a
FRIDAYCOLLECTION.MYSHOPIFY.COM, DOE
23 d/b/a GOGOODDISCOUNT.COM, DOE 24
d/b/a HLSHIRT.COM, DOE 25 d/b/a
HUNTERBUUK.COM, DOE 26 d/b/a
INTELLEGANTMARKETS.COM, DOE 27 d/b/a
IZIEBOOK.COM, DOE 28 d/b/a JENLION.CO,
DOE 29 d/b/a JENWIND.CO, DOE 30 d/b/a
JOLOSTORE.COM, DOE 31 d/b/a KA-
SHOPP.MYSHOPIFY.COM, DOE 32 d/b/a
KIWIBOOKCLUB.MYSHOPIFY.COM, DOE 33
d/b/a MAGIC.ENGASTORE.COM, DOE 34 d/b/a
NOAMALLS.COM, DOE 35 d/b/a

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OSCARMALLS.COM, DOE 36 d/b/a
PAYVERSITYSTORE.MYSHOIFY.COM, DOE
37 d/b/a PRICEAIRSTORE.COM, DOE 38 d/b/a
RITZYISH.US, DOE 39 d/b/a SHEELLAS.COM,
DOE 40 d/b/a SMART-EDU-
STORE.MYSHOIFY.COM, DOE 41 d/b/a
SOURCE4STUDENT.COM, DOE 42 d/b/a
STINGMALL.COM, DOE 43 d/b/a
STUDENTNCLASS.MYSHOIFY.COM, DOE 44
d/b/a STUDYHALLPRESS.COM, DOE 45 d/b/a
TEESPOPS.COM, DOE 46 d/b/a
TESTBANKCLICK.COM, DOE 47 d/b/a
TOPBOOKS.ZIPLOMA.COM, AND DOE 48 d/b/a
VALERIEHOPTOP.COM

Defendants.

**EX PARTE ORDER REQUIRING IMMEDIATE
COMPLIANCE WITH ASSET FREEZE (FILED UNDER SEAL)**

In connection with their Motion for an Amendment of the Preliminary Injunction and an *Ex Parte* Order Requiring Asset Freeze Compliance or Expedited Consideration of Motion (ECF No. 16) (“Motion”), Plaintiffs Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, Elsevier Inc., McGraw Hill LLC, and Pearson Education, Inc. (collectively, “Plaintiffs”) have moved this Court for, *inter alia*, a limited *ex parte* order requiring **REDACTED**, referred to in the Motion and hereinafter as the “Responding Financial Institution,” to immediately comply with the asset freeze provision in the Preliminary Injunction entered by this Court on February 24, 2020 (ECF No. 14) (“Preliminary Injunction”) ¶ 2 at 5-6, until the Motion is decided.

The Court has the authority and discretion to issue this order pursuant to its inherent equitable powers to fashion relief to enforce its orders and preserve the status quo. The Preliminary Injunction contains an asset freeze applicable to “Financial Institutions” and “Defendants’ Accounts” as defined therein. This order is also supported by the Court’s prior findings that: (1)

“Plaintiffs are likely to succeed in showing that Defendants have infringed and are continuing to infringe Plaintiffs’ federally registered copyrights by reproducing and distributing infringing electronic copies of Plaintiffs’ copyrighted textbooks;” (2) “the reproduction and/or distribution of the Infringing eBooks will result in immediate and irreparable injury to Plaintiffs if the requested relief is not granted;” and (3) “[i]f Defendants are given notice of the [TRO] Application [seeking an asset freeze] . . . , Defendants are likely to secrete, conceal, transfer, or otherwise dispose of the proceeds from and evidence of their sales of Infringing eBooks.” Preliminary Injunction at 3; Jan. 29, 2020 *Ex Parte* Order (ECF No. 11) at 3.

NOW, THEREFORE, IT IS HEREBY ORDERED, that Plaintiffs’ Motion with respect to the Responding Financial Institution is granted; and

IT IS FURTHER ORDERED that Responding Financial Institution shall immediately comply with the Preliminary Injunction by locating all of its accounts identified on Appendix C to Plaintiffs’ proposed Amended Preliminary Injunction (ECF No. 16-1), which are connected to **REDACTED**, Doe Defendant **REDACTED**, as set forth on Appendix A to Plaintiffs’ proposed Amended Preliminary Injunction (ECF No. 16-1).

This order shall remain in effect until further order of the Court.

It is SO ORDERED this 19 day of March, 2020.

/s/ John G. Koeltl

John G. Koeltl
United States District Judge